

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GARY SPANN : CIVIL ACTION

v. :

FRANK D. GILLIS, et al. : NO. 05-0034

ORDER

AND NOW, this 23rd day of August, 2005, upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, it is hereby

ORDERED

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ of habeas corpus is DENIED; and
3. A certificate of appealability is not granted.

BY THE COURT:

/s/
LEGROME D. DAVIS, J.